

Update!

A Periodic Report From The

Washington State Medical Quality Assurance Commission

Summer 2001

Medical Quality Assurance Commission



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When Bad Things Happen

Hampton W. Irwin, M.D.

Every three weeks, an MQAC Initial Review Panel screens between 60–80 complaints to find the 25% or fewer that require further review by the Commission. From July 2000 to May 2001, 603 cases were categorized looking for patterns or trends that could provide helpful feedback to Washington physicians. For this article, we will examine two of the more populated categories: **Technical Problems and Bad Surgical Outcome**.

Technical problems are those unplanned deviations that lead to a bad outcome.

Bad Surgical outcomes include bad results with or without identifiable errors of procedure.

There were 41 technical problem cases. Thirteen involved insurance settlements ranging from twenty-five

thousand to one million dollars. Three deaths were assigned to this group. There were 43 cases with bad surgical outcomes. Four deaths were in this group.

Similar repetitive problems appear in both groups:

- Bowel and viscus perforation from surgical penetration procedures.
- Failure to perform timely cesarean section.
- Wrong surgical target.
- Post-surgical ureteral obstruction.

In the remaining cases, one is impressed with the random diversity in the types of procedures which have been vulnerable to mishaps and unexpected bad outcome.

“Bad things can and do happen in the practice of medicine as in all of life.”

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When Bad Things Happen

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Applying the wisdom of retrospect, many situations might have turned out better had management systems been different. Commission members must separate flawed management that may continue to injure patients from complications that develop in spite of good care. In the process, we are increasingly aware how some complications produce formal complaints from patients while others do not. In the case material, patients write that calls to report early signs of trouble were ignored by the physician or office staff, and that no one willingly took the trouble to completely explain what went wrong, *as if the problem was somehow the patient's fault*.

What can Washington physicians do to reduce the impact of technical problems and bad outcomes?

- Understand that anyone performing surgical procedures can and probably will have complications.
- Document your judgment and procedures with the completeness an expert would require to evaluate the standard of care you provided.
- Know and use the skills of your colleagues for help during troublesome situations.
- Be alert and responsive to the early signs of a complicated outcomes.
- And finally, no matter how embarrassed and humiliated you may feel, go out of your way to personally keep your patient and family fully informed! ◀

Free Educational Opportunities

The Washington State Medical Quality Assurance Commission, in cooperation with the Foundation for Medical Excellence, a non-profit Oregon corporation, continues to offer a series of on-site, educational programs for physicians and physician assistants in Washington State.

The Foundation offers a selection of popular educational activities to hospitals and other physician organizations in Washington. Most programs last approximately one hour and can be scheduled at the host group's convenience.

The following list of 16 programs are currently offered and are presented without cost:

- Well-being in Chaos: Finding Our Way Home
- Our Brother's Keeper: Physician Well-Being in the Medical Profession
- Americans with Disabilities Act: Maybe We Should Talk
- The Importance of Physician-Patient Communication in Reducing Malpractice Claims
- Anti-Anxiety Agents: Use and Misuse

- Understanding the Sexual Needs and Concerns of your Patient
- Physician Impairment: From Prepared through Impaired to Repaired
- Strategies in Prescribing for Geriatric Patients
- Meeting the Challenges for Physician Documentation
- Malpractice Implications of Managed Care
- Communication: A Risk Management Tool
- The Rational Management of the Chronic Pain Patient
- The Disruptive Physician
- Clinical Concepts of Pain
- Cognitive/Behavioral Factors in Chronic pain
- The Role of Narcotics in the Treatment of acute Pain

We invite you to participate in as many of these programs as possible. Additional topics will be added in the future. To schedule, please call The Foundation for Medical Excellence at (503) 636-2234 or email your request to www.info@TFME.org. ◀

Meeting Facility Changed Starting In September 2001

The Medical Quality Assurance Commission is moving its meeting facility beginning September 27th, 2001. All 2002 regular meetings will be scheduled at the Hawthorne Suites, 6329 South 212th Street, Kent, Washington 98033. Settlement conference rooms will be at the regular hotel facilities. All formal hearings will be scheduled in the Kent Commons Buildings to save cost and cancellation fees. If you have any questions, please feel free to contact Beverly Teeter at (360) 236-4788.

September 27-28

Hawthorne Suites
6329 South 212th Street
Kent, Washington 98033

November 8-9

Hawthorne Suites
6329 South 212th Street
Kent, Washington 98033

December 13-14

Hawthorne Suites
6329 South 212th Street
Kent, Washington 98033 ◀

Call For Expert Reviewers

The Medical Quality Assurance Commission regularly contracts with physicians to serve as specialty consultants on cases before the Commission. Contracted consultants are asked to provide independent medical opinion regarding the care rendered by a practitioner who is the subject of a complaint or an adverse report. The Commission is continually updating its consultant list and we are asking our readers to consider offering their services to the Commission as needed. There is no up front obligated time commitment. Your name will be kept on file and you may be contacted if the Commission requires someone with your particular expertise. In the event you are asked to review a case, you are always free to decline as circumstances dictate.

Being an expert consultant reviewer involves the following:

1. A review of the case records and documents.
2. The preparation of a written report addressing the appropriateness of the provided care.
3. Testimony before a Commission panel, if necessary.

The Commission will accept submissions from all physicians who meet the following requirements:

1. A current Washington medical license in good standing.
2. No prior disciplinary action, or current charges, from the Commission.
3. Board certified by one of the 24 ABMS boards or equivalents.
4. A minimum of 5 years active practice in the area of specialty or subspecialty.
5. Have an active practice (defined as at least 80 hours a month in direct

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Activity Statistics: 6-Year Comparison

Information reflects 12-month periods beginning July 1 and ending June 30

	94-95	95-96	96-97	97-98	98-99	99-00
Licensing						
MD Licenses Issued	912	1,041	1,238	1,270	1,178	1,653
MD License Renewals	16,848	17,494	17,826	17,443	17,947	18,930
Physician Assistant Applications	91	118	134	149	239	164
Physician Assistant Renewals	911	852	840	1,071	1,154	1,358
Post-Graduate Limited Applications ..	432	369	331	372	389	385
Post-Graduate Limited License Renewals	327	345	467	570	410	559
Requests for Information and Assistance						
Public Disclosure Requests	906	807	*8,235	3,537	3,022	3,277
Interstate License Certifications	1,385	1,499	1,390	1,520	1,480	1,593
Written Verification Requests	N/T	N/T	N/T	5,737	6,403	4,944
Presentations to Groups	N/T	N/T	N/T	10	16	13
Complaints Received						
Complaints from the Public	843	733	852	694	625	693
Malpractice or Other Action Reports ..	187	155	177	226	193	247
Investigations						
Investigations Opened	952	945	989	892	876	894
Investigations Completed	943	955	1,031	886	923	798
Practice Reviews Conducted	86	101	84	75	130	68
Compliance Audits	N/T	N/T	84	64	58	62
On-going Investigations as of June 30	332	311	245	166	167	196
Proceedings						
Settlement Conferences	N/T	N/T	N/T	30	23	16
Stipulation Presentations	17	53	25	37	32	18
Prompt Hearing on a Summary Action	N/T	N/T	N/T	N/T	1	0
Order Modification Hearing	N/T	N/T	N/T	3	6	4
Compliance Appearances	65	88	82	55	35	38
Reconsiderations	N/T	N/T	18	4	7	3
Formal Hearing	3	6	7	14	17	4
Reinstatement Hearing (STIDS do not require a hearing)	N/T	N/T	N/T	12	9	25
Case Dispositions						
Complaints Investigated, Closed as						
No Cause for Action	582	623	685	615	587	593
Complaints Not Investigated, Closed as Below Threshold for						
Investigation	N/T	N/T	N/T	63	171	182
Notice of Correction	N/T	N/T	1	5	3	8
Stipulated Informal Disposition	38	45	28	29	43	17
Stipulated and Agreed Orders	30	42	13	30	28	26
Final Order—From a Formal Hearing ...	11	11	8	8	11	10
License Revocations (from Defaults and Formal Hearings; not included in Final Order count)	3	3	9	8	8	12
Reinstatement to Unrestricted License	16	30	44	**99	40	46
Compliance Monitoring						
On-going compliance monitoring as of June 30	278	323	314	243	218	203

*Method for counting changed to include number of files retrieved for each request.

**Assurances of Discontinuance closed.

N/T = Not Tracked ◀

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Physician Assistant Remote Site Proposed Rules

The Medical Quality Assurance Commission at the June 1, 2001 meeting supported the Physician Assistant Advisory Committee's recommendation regarding remote sites and voted to proceed with the rule making process. The Commission has had concerns regarding the appropriate criteria for remote sites for physician assistants who are new graduates without the experience needed to practice medicine in a site that is physically separate from the supervising physician. The amendment would create consistency to approve remote sites for all new graduates.

The current requirements are as follows:

WAC 246-918-120 Remote Site—Utilization—Limitations, and Geographic

- (1) No licensee shall be utilized in a remote site without approval by the commission or its designee. A remote site is defined as a setting

physically separate from the sponsoring or supervising physician's primary place for meeting patients or a setting where the physician is present less than twenty-five percent of the practice time of the licensee.

- (2) Approval by the commission or its designee may be granted to utilize a licensee in a remote site if:
 - a. There is a demonstrated need for such utilization;
 - b. Adequate provision for timely communication between the primary or alternate physician and the licensee exists;
 - c. The responsible sponsoring or supervising physician spends at least ten percent of the practice time of the licensee in the remote site. In the case of part time or unique practice settings, the physician may petition the commission to modify the on-site requirement providing the sponsoring physician demonstrates that adequate supervision is being maintained by an alternate method.

The commission will consider each request on an individual basis;

- d. The names of the sponsoring or supervising physician and licensee shall be prominently displayed at the entrance to the clinic or in the reception area.

The Medical Commission will hold two public workshops for the rules development:

August 11, 2001 at 9:00 a.m.
West Coast Grand Hotel
303 West North River Drive
Spokane, WA 99201

September 26, 2001 at 6:00 p.m.
Hawthorn Suites
6329 South 212th Street
Kent 98032

The Medical Commission will also solicit input in the rule development from all interested parties as well as the professional associations. The Commission anticipates completion of the rules process with a final public rules hearing in January 2002. ◀



Completion Of Prescriptive Authority For Advanced Registered Nurse Practitioners

On June 13, 2001 the Nursing Commission, Medical Commission and Osteopathic Board held a rules hearing to jointly adopt rules allowing Advanced Registered Nurse Practitioners (ARNP) to begin prescribing Schedule II-IV medications. The rules will be effective in August 2001.

For more information on the legislation, an open letter to physicians, a sample joint practice agreement or a copy of the final rules, see the Nursing Commission's web site at www.doh.wa.gov/nursing/rules.htm.

ARNPs currently practice independently and have prescription privileges

for Schedule V and/or Legend Drugs. These new rules require ARNPs to collaborate with a physician only for the purpose of prescribing Schedule II-IV medications. Physicians Insurance Company has stated that they perceive no increase in the malpractice rate for physicians because it is clearly the ARNP who holds the ultimate accountability for the prescribing and decision making. Physicians are not required by the statute to supervise, co-sign or be accountable for the final clinical decision. The ARNP will be writing the prescription and therefore is completely responsible for the clinical

decision making, follow-up and potential outcomes.

ARNPs, with their collaborating physician, will need to file a Joint Practice Agreement with the Nursing Commission. The ARNP will also need to obtain initial Drug Enforcement Administration (DEA) registration or amend their existing registration before they can begin prescribing Schedule II-IV medications. The estimated timeline for processing DEA registration is 90 days. This means ARNPs may be able to begin using Schedule II-IV as soon as October 2001. ◀

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Commission Actions: February 3, 2001–May 31, 2001

Every effort is made to assure the following information is correct. However, before making any specific decisions based on this information, readers are strongly encouraged to check with the Medical Quality Assurance Commission at (360) 236-4792. The summary may not reflect a change occurring near or following the publication date.

Definition of Actions:

Summary Suspension/Summary Limitation - Immediate suspension or limitation of a practitioner's license, pending further disciplinary action. Used in a situation where there is reasonable assumption of immediate danger to the public.

Findings of Fact, Conclusions of Law and Final Order - Final order issued by the Commission after a formal hearing where evidence was presented, conclusions were based on law, and sanctions were ordered.

Stipulated Findings of Fact , Conclusions of Law and Agreed Order - Settlement between a practitioner and the Commission in which both parties agree to facts, sanctions, and conditions which the practitioner must meet.

Alrashedy, Farhad H., MD
License No. MD00021938
(Republic, Ferry County, WA)

The Commission granted the Respondent's request to terminate the terms and conditions of the January 22, 1999, Agreed Order. The Respondent's license is now unrestricted.

February 7, 2001, Order on Request for Release from Commission Order.

Belts, Richard P., MD
License No. MD00018521
(Steilacoom, Pierce County, WA)

After the Respondent waived his right to a hearing, the Commission found the Respondent had failed to comply with a Stipulation to Informal Disposition dated September 25, 1997, by misusing alcohol, and revoked the Respondent's license.

March 29, 2001, Findings of Fact, Conclusions of Law and Final Order.

Bush, Robert D., MD
License No. MD00020774
(Grandview, Yakima County, WA)

The Commission and the Respondent entered into an Agreed Order in which the Respondent agreed to comply with certain terms and conditions.

April 26, 2001, Stipulated Findings of Fact, Conclusions of Law, and Agreed Order.

Chambers, Charles E. MD
License No. MC00011883
(Pittsboro, NC)

The Commission and the Applicant entered into an Agreed Order in which the Respondent agreed to complete certain requirements prior to being granted a license to practice medicine in the state of Washington.

April 26, 2001, Stipulated Findings of Fact, Conclusions of Law, and Agreed Order.

Fox, Samuel R., MD
License No. MD00005293
(Tacoma, Pierce County, WA)

The Commission granted the Respondent's request and terminated the terms and conditions of an Order dated August 7, 1998. The Respondent's license is unrestricted.

March 29, 2001, Order on Request for Release from Commission Order.

Fox, Samuel R., MD
License No. MD00005293
(Tacoma, Pierce County, WA)

A Statement of Charges issued on November 15, 1993, against the Respondent was dismissed on the Respondent's motion for summary judgment.

May 29, 2001, Order Granting Respondent's Motion for Summary Judgment.

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Frazier, Mark R., MD
License No. MD00018434
(Omaha, NE)

The Commission and the Respondent entered into an Agreed Order in which the Respondent agreed not to practice medicine in the state of Washington.

April 26, 2001 Stipulated Findings of Fact, Conclusions of Law, and Agreed Order.

Griffing, Lee Richards, MD
License No. MD00020988
(Bellevue, King County, WA)

The Commission and the Respondent entered into an Agreed Order in which the Respondent agreed that his license would be suspended indefinitely.

April 26, 2001, Stipulated Findings of Fact, Conclusions of Law, and Agreed Order.

Johnson, Gregory A., MD
License No. MD00026839
(Kirkland, King County, WA)

Following a hearing, the Commission found the Respondent committed acts of moral turpitude, provided negligent treatment to patients, committed misrepresentation or fraud, was convicted of a felony, and had sexual contact with a patient. The Commission revoked the Respondent's license to practice medicine in the state of Washington.

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Commission Actions: February 3, 2001–May 31, 2001 *(Continued from Page 5)*

February 16, 2001, Findings of Fact, Conclusions of Law, and Final Order.

Johnson, Ronald C., MD

License No. MD00018674

(Puyallup, Pierce County, WA)

The Commission denied the Respondent's request to terminate the terms and conditions of an Order dated May 27, 1999, but waived any further payments on the fine.

March 29, 2001, Order on Request for Release from Commission Order

Larsen, Steven Rodney, MD

License No. MD00016928

(Hanford, CA)

The Commission and the Respondent entered into an Agreed Order in which the Respondent agreed to comply with certain terms and conditions.

April 26, 2001, Stipulated Findings of Fact, Conclusions of Law, and Agreed Order.

Melamed, David M., MD

License No. MD00031564

(Los Angeles, CA)

The Commission and the Respondent entered into an Agreed Order in which the Respondent agreed to comply with certain terms and conditions.

April 26, 2001, Stipulated Findings of Fact, Conclusions of Law, and Agreed Order.

Shetty, Nagesh, MD

License No. MD00033320

(Huntington Beach, CA)

Following a hearing, the Commission found the Respondent had been convicted of a felony, and had his license to practice medicine in California revoked. The Commission revoked the Respondent's license to practice medicine in Washington.

January 29, 2001, Findings of Fact, Conclusions of Law, and Final Order.

Strand, Glen T., MD

License No. MD00004520

(Seattle, King County, WA)

Following a brief adjudicative proceeding, a presiding officer ordered that the matter of the Respondent's compliance with prior Commission orders be decided in a full adjudicative proceeding.

April 30, 2001, Findings of Fact, Conclusions of Law and Order on Brief Adjudicative Proceeding.

Welch, Roger L., PA-C

License No. PA10001377

(Valley, Stevens County, WA)

The Commission and the Respondent entered into an Agreed Order in which the Respondent's license was suspended pending compliance with certain terms and conditions.

April 26, 2001, Stipulated Findings of Fact, Conclusions of Law, and Agreed Order. ◀

Troubled Colleague?

Call (206) 583-0127

Or 1-800-552-7236

For Assistance or Assessment

Education • Intervention • Treatment Referral

All Calls Are Confidential

Washington
Physicians
Health
Program

Suite 717

720 Olive Way

Seattle, WA 98101

WSMA - sponsored since 1986

Call For Expert Reviewers *(Continued from Page 3)*

patient care, clinical activity, or teaching, at least 40 hours of which is in direct patient care) or have been non-active for no more than 2 years.

The Commission is also seeking consultants with experience or special expertise in complementary and/or alternative medicine.

If you are interested in acting as an expert consultant for the Medical Commission, please send your name,

area(s) of expertise, current Curriculum Vitae, address, telephone number and hourly rates to:

**Medical Quality Assurance
Commission**

**Attn: Beverly A. Teeter,
Health Administrator
P.O. Box 4866
Olympia, WA 98504-7866.**

If you were formerly a consultant to the Commission but have not acted as such for more than five years, please submit an updated CV if you wish to remain on our consultant list. ◀

Important Commission Phone Numbers



License Verifications (360) 236-4800

Applications A-L (360) 236-4785

Applications M-Z (360) 236-4784

Public Disclosure (360) 236-4816

Compliance A-L (360) 236-4794

Compliance M-Z (360) 236-4793

Renewals (360) 236-4786

Fax (360) 586-4573

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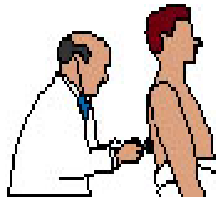
Licensee Orientation Program

The Medical Quality Assurance Commission would like to help you
avoid license problems caused by complaints!

There are many Washington laws and regulations that impact MD and PA practice. We urge all MD's and PA's to attend one of our Free Evening Orientation Programs ***running from 6 p.m. to 9 p.m.***

AMA Category 1 *This activity has been planned and implemented in accordance with the Essentials and Standards of the Accreditation Council for Continuing Medical Education through the joint sponsorship of the University of Washington School of Medicine and Washington State Medical Quality Assurance Commission. The University of Washington School of Medicine is accredited by the ACCME and takes responsibility for the content, quality and scientific integrity of this CME activity. The University of Washington School of Medicine designates this continuing medical education activity for 2.75 credit hours in Category 1 of the Physician's Recognition Award of the American Medical Association.*

If you have any questions, please call Beverly Aa. Teeter, Health Administrator at 360-236-4788. You may also contact us on E-mail at beverly.teeter@doh.wa.gov.



Space is limited. Complete the registration form below. Please indicate the date preference to be scheduled. You may fax it to us at 360-586-4573 or detach your completed form and mail your registration to:

Medical Quality Assurance Commission
Attention: Beverly Teeter, Health Administrator
PO Box 47866
Olympia, WA 98504-7866

Return form no later than one week prior to program date.

July 24, 2001 Valley Medical Center, Renton

October 23, 2001 Providence Medical Center, Everett

August 22, 2001 Virginia Mason Medical Center, Seattle

Nov. 14, 2001 Swedish Health Services, Seattle

Sept. 11, 2001 Harrison Memorial Hospital, Bremerton

Licensee Orientation Registration Form

Please Print Clearly

Name: _____ License #: _____

Address: _____

City: _____ Zip Code: _____

Telephone: _____ Fax: _____ Email: _____
(During business hours)

Date Preference: _____ License Issue Date: _____

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Practitioners are required by law to keep the Medical Quality Assurance Commission informed of any change in their name or address. This will ensure receipt of the renewal notice and other timely information.

Name and/or Address Change Form

(Please type or print in ink)

License # _____ Social Security # _____

☐ MD ☐ PA ☐ PA-C ☐ PA-SA

Old Information:

Changes:

Name _____

Name* _____

Address _____

Address _____

*A change in name must be accompanied by a photocopy of the marriage certificate, a divorce decree, or a court-ordered name change (whichever is applicable).

Effective Date _____ Signature _____

A licensee's address is open to public disclosure under circumstances defined in law, RCW 42.17. The address the Commission has on file for you is used for all mailings, renewal notification and public disclosure.

Cut out and mail this completed form to the Commission office: Medical Quality Assurance Commission
1300 Quince Street SE
P.O. Box 47866
Olympia, WA 98504-7866



Attention: Address/Name Change ◀
